

City Council of the Mayor and Council of New Castle
Public Hearing: Town Hall – 201 Delaware Street – New Castle
Tuesday – May 3, 2011 – 6 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Consideration of Ordinance No. 482, amending the following New Castle City Code sections:

Section 140: Housing and Property Maintenance
Section 141: Dangerous or Vacant Buildings

President Barthel gave some background. Some time ago the City and former Solicitor Roger Akin looked at this code and sought to find a way to enforcement it better. The goal was to clean it up and go after properties that are owned by investors/landlords that are not being registered with City. The other thing found was some of the language in it runs contrary to the Landlord-Tenant Code and puts the City in a position it doesn't want to be in, such as collecting money.

The committee to look at it consisted of Beverly Ross, John Lloyd, Jim Whisman and Dave Ross. (Note, at this meeting it was incorrectly stated that Alma Johnson had been a committee member. It is planned that the City Council minutes of June 14, 2011 shall contain a clarification.)

Mr. Lloyd said it was thought the rent withholding was a little risky; didn't think City should be involved.

Administrator Thomas said the wording needs some work.

Solicitor Losco said Mr. Lloyd can assess violations where there is a fine. The property owner must have an appeal right. There does not have to be a court hearing prior to assessment of a fine.

Mr. Lloyd estimated more than 50 percent of properties are not registered.

Mr. Losco asked whether it is a matter of ignorance of the law or a failure to comply.

Beverly Ross said she does not believe it was ever publicized. She suggested additional efforts to publicize.

Mr. Lloyd said that most people, when they are notified about the requirement, will register; some ignore it.

President Barthel said in the City of Wilmington you get a letter and then it goes to the attorney and the fines start. They are going after the chronic abusers. The question is how you deal with chronic abusers.

Mr. Losco said the way to do it is to advise people who are not registered and give them 30 days to buy the license. If they don't do that, start assessing the fines.

Councilperson Cochran asked about instant ticketing. It has been successful in the City of Wilmington.

President Barthel said those are more for violations of maintenance.

Mr. Losco said instant ticketing is being challenged in court over right to due process.

Councilperson Petty said she has a lot of questions. She has concerns, as a landlord, the landlord-tenant agreement is between the landlord and the tenant. Her concern related to foreclosure on properties and how it will be done.

President Barthel said the recommended changes would address taking the City out from being directly involved in the landlord-tenant issue. The City is trying to look at any landlord as a property owner with property maintenance issues.

Councilperson Petty asked what is the purpose of the license? Do other cities use it for a specific purpose?

Administrator Thomas said the revenues go into the general revenue fund, but the City does need to hire people like Mr. Lloyd to enforce the code and do inspections. Part or all of the money is used for those activities.

Beverly Ross said she feels it is important the City knows if the landlord lives there or it is rented out.

Mr. Losco said that other than the extra fee, he agrees with the changes, including the striking of the language.

Mrs. Ross suggested that any time the renewal goes out there should be a mention of the state code.

Councilperson Megginson made a motion to adjourn the public hearing. Councilperson Gaworski seconded the motion.

The motion was passed unanimously.

The hearing was adjourned at 6:32 p.m.

City Council of the Mayor and Council of New Castle
Special Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – May 3, 2011 – 6:30 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Mayor Donald Reese, Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Dan Losco, Code Enforcement Officer John Lloyd

New Business

1. Organizational meeting of the New Castle City Council: Liaison Assignments:

- a) Finance/Human Resources b) Public Safety/Police
c) Public Services d) Buildings/Parks & Recreation

President Barthel said that following the recent election he wanted to review the organizational structure. Based on the vote counts, which is how the liaison assignments were chosen two years ago, he recommended they stay the same unless someone sees a reason why that is not working.

Finance/Human Resources—Councilperson Cochran
Public Safety/Police—Councilperson Gaworski
Public Services—Councilperson Megginson
Buildings/Parks & Recreation—Councilperson Petty

He reminded everyone the meetings follow Robert's Rules of Order.

Mayor Reese led a discussion about a ceremonial swearing-in for officials since the original swearing in was done in the hospital. The consensus of the board was to have a celebratory event but not another swearing in.

Mayor Reese said he does not wish to sit up with the Council since they are the deliberative body. He also pledged not to interrupt Council if they have already given the people time to talk. He does not believe it is the Mayor's prerogative to interrupt Council. He should be prepared to comment when the other citizens are given an opportunity. He also said he would not blindside the Council.

2. First and Second Reading of Ordinance No. 482, amending the following New Castle City Code sections:

- Section 140: Housing and Property Maintenance
Section 141: Dangerous or Vacant Buildings

President Barthel did the first and second readings.

3. Discussion on Appointment of Members to a Charter Change Committee.

President Barthel said this matter was discussed at the last regular meeting and he had asked Councilpersons to bring any names for individuals to serve on the committee.

Councilperson Megginson recommended John Houben; Councilperson Cochran recommended Josephine Moore; President Barthel recommended Genevieve Miller as the chairperson and Jim Vincent as a member. Mayor Reese recommended Monroe Gerhart.

A vote will be taken on the members of the committee at the next regular meeting.

Solicitor Losco said he would be happy to serve on that committee or make himself available to the committee for advice. The consensus of the Council is he should be on the committee.

4. Motion, Discussion and Vote on a Resolution to Sell City-Owned Property at 19 Arbutus Avenue.

This item was not ready to be considered for a vote at the meeting. Solicitor Losco asked that a member of Council make a recommendation that the property at 19 Arbutus Avenue be sold.

Councilperson Megginson made a recommendation to sell the property.

5. Motion, Discussion and Vote on a Resolution supporting a request from DNREC to the General Assembly Bond Bill Committee to provide funding for needed repairs to the Board Dike and Gambacorta Dike in the City of New Castle.

Councilperson Cochran made a motion to approve resolution 2011-16. Councilperson Petty seconded the motion. The motion passed unanimously.

Dave Carter from DNREC said he thinks the resolution will be helpful but there is a lot of competition for the funding. He said that if the projects are going to get funded this year the City will know the first couple days of July. DNREC asked for money for five dikes.

Administrator Thomas thanked Mr. Carter and the others at DNREC for their work on this project.

It would be valuable for the members of Council to lobby the Legislature for this funding.

A discussion was held about the possible options the Legislature might consider in terms of funding.

Councilperson Petty welcomed the City's First Lady.

Councilperson Petty made a motion to adjourn the meeting into an Executive Session to Discuss the FOP Union Negotiations. Councilperson Megginson second the motion. The motion passed unanimously.

The meeting adjourned at 7 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk